

ASHEVILLE DIVISION
1:22-CV-00059-MR-WCM

Defendants.

The parties complied and provided additional information about Plaintiff's current location. Plaintiff's counsel also advised that personnel at the facility where Plaintiff is housed indicated that Plaintiff could participate in a judicial settlement conference from that facility.¹ Doc. 50.

Accordingly, the judicial settlement conference is rescheduled for **Wednesday, December 6, 2023 from 9:30 a.m. to 11:30 a.m.**

The conference will be conducted by telephone. Call-in information will be provided to counsel for the parties by separate communication.

Plaintiff shall participate in the conference from the facility where he is currently housed. That facility is respectfully requested to allow Plaintiff to participate in such a manner so that he may confer privately with his counsel, including in a private setting if that is reasonably possible.²

Consistent with the Court's prior Order (Doc. 45), the individual Defendants are excused from personally attending the conference, provided however that Defendants shall be reachable by telephone, if needed.

¹ With the assistance of the United States Marshals Service, the undersigned's chambers has contacted the staff at that facility and has been advised that Plaintiff can be made available for a settlement conference at the time and date set forth in this Order.

² While the Court prefers that Plaintiff and his attorney be together at the facility and participate from the same room, the undersigned will leave those issues to the discretion of the facility and Plaintiff's counsel. However, if counsel is not physically located at the facility with Plaintiff during the conference, they should participate using a single telephone line.

A representative of the North Carolina Department of Adult Corrections and defense counsel must participate and may do so from any location they deem appropriate, provided that they participate using a single conference line.

The Clerk is respectfully directed to send a courtesy copy of this Order to staff at the facility where Plaintiff is housed, and to the USMS.

Plaintiff's counsel is directed to consult with appropriate personnel at the facility sufficiently in advance of the conference to address any logistical issues so that the conference can proceed as now rescheduled.

It is so ordered.



W. Carleton Metcalf
United States Magistrate Judge

